

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRYCE L. SPANGLER,	)	
	)	
Plaintiff,	)	Case No. C12-1196-RAJ-JPD
	)	
v.	)	
	)	ORDER RE: DEFENDANTS'
CHARLIE WEND, <i>et al.</i> ,	)	HECK-BASED MOTION TO
	)	DISMISS AND OTHER
Defendants.	)	MOTIONS
	)	

The Court, having reviewed plaintiff's civil-rights complaint (Dkt. 8), the papers filed in support of and in opposition to five pending motions (Dkts. 15, 29, 33, 37, 38), the Report and Recommendation of United States Magistrate Judge James P. Donohue, the governing law, and the balance of the record, does hereby find and **ORDER**:

- (1) The Report and Recommendation is **ADOPTED**;
- (2) Defendants' motion to dismiss on the basis of *Heck v. Humphrey*, 512 U.S. 477 (1994) (**Dkt. 15**), is **GRANTED IN-PART** and **DENIED IN-PART** such that plaintiff's access-to-the-courts claim is dismissed without prejudice and the other claims remain in this suit;
- (3) Defendants' motion to stay discovery pending resolution of an impending motion to dismiss on the basis of qualified immunity (**Dkt. 29**) is **GRANTED**;
- (4) Plaintiff's motion to compel discovery (**Dkt. 38**) is **DENIED** as moot;

ORDER RE: DEFENDANTS' HECK-BASED  
MOTION TO DISMISS AND OTHER MOTIONS - 1

- 1 (5) Plaintiff's motion to amend the complaint (**Dkt. 33**) is **GRANTED**;
- 2 (6) Plaintiff's motion for a preliminary injunction (**Dkt. 37**) is **DENIED**; and
- 3 (7) The Clerk of Court is directed to send copies of this Order to plaintiff and to
- 4 Magistrate Judge James P. Donohue.

5 DATED this 4<sup>th</sup> day of March, 2013.

6

7 

8 The Honorable Richard A. Jones  
9 United States District Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23